

HLD-57 (March 2007)

March 9, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 06-2632

PAUL L. McCONOMY, SR.

vs.

STATE OF DELAWARE, ET AL.  
(D. DEL. No. 05-CV-00785)

Present: SCIRICA, Chief Judge WEIS and GARTH, Circuit Judges

Submitted are:

(1) By the Clerk for possible dismissal due to a jurisdictional defect

(2) Appellant's jurisdictional statement

in the above-captioned case.

Respectfully,

Clerk

O R D E R

The foregoing appeal is dismissed for lack of appellate jurisdiction. We have jurisdiction to consider appeals from final orders of the District Court. See 28 U.S.C. § 1291.

Orders that do not dispose of all claims against all parties are not final orders subject to appellate review unless the District Court issues a proper Fed. R. Civ. P. 54(b) certification. In re Good Deal Supermarkets, Inc., 528 F.2d 710, 712 (3d Cir. 1975). The order from which this appeal is taken does not satisfy this requirement because the appealed order is not final and the Court did not expressly certify it under Rule 54(b). Although the District Court dismissed Appellant's claims against the majority of the defendants, the Court permitted Appellant to proceed against Dr. Sattie Alie. Nor does

the order fall within the collateral order doctrine. See Praxis Props., Inc. v. Colonial Sav. Bank, S.L.A., 947 F.2d 49, 54-57 (3d Cir. 1991). Accordingly, we lack appellate jurisdiction.

By the Court,

S/WEIS

United States Circuit Judge

Dated: March 21, 2007

CH/cc: Mr. Paul L. McConomy Sr.  
Eileen K. Kelly, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk